

Serial No. 10/799,324

Response to Notice of Allowability dated January 26, 2006

REMARKS/ARGUMENTS

Claims 14-201 have been allowed in the Notice of Allowance issued January 26, 2006.

Claims 202-218 are added.

In the present amendment, applicants respectfully request that the Examiner consider claims 202-218, which the Examiner has examined and indicated that they were allowable. In the Office Action dated September 2, 2005, the Examiner allowed claims 202-212 and also stated "claims... 213-218 would be allowable once the 112 rejections maintained above have been overcome." (Office Action 9/2/05, page 4). The said "112 rejections maintained above" referred by the Examiner is the rejection to claim 213 under 35 U.S.C. 112, second paragraph where the Examiner suggested that the claim language "...modulating compound comprising the compound ..." be reworded to "An oral composition comprising an EPO receptor modulating compound comprising compound of claim 202 ..." (Office Action 9/2/05, page 3). However, applicants inadvertently canceled claims 202-218 in a response dated December 21, 2005 to this Office Action, instead of amending claim 213.

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Applicants hereby respectfully request that the previously allowable claims 202-218 be included in the Notice of Allowance. The proposed "new" claims require no additional search or examination because the search and examination in connection with these "new" claims have been completed and these claims have been placed in allowable condition. These "new" claims are patentable for the same reason as for the allowed claims 14-201. They were presented earlier but cancelled due to applicants' error.

Respectfully submitted,

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